

**DECLARATION OF COLLEEN ROBBINS**  
**Pursuant to 28 U.S.C. § 1746**

I, Colleen Robbins, have personal knowledge of the facts and matters set forth below. If called as a witness, I could and would testify as follows:

1. I am one of the attorneys representing the Federal Trade Commission (“FTC”) in an enforcement action against TheFBAMachine Inc.; Passive Scaling Inc.; Sales Support New Jersey Inc.; 1HR Deliveries Inc.; Hourly Relief Inc.; 3PL Logistic Automation Inc.; FBA Support NJ Corp.; Daily Distro LLC; Closter Green Corp., doing business as Wraith & Co.; Bratislav Rozenfeld, also known as Steven Rozenfeld and Steven Rozen, and Amanda Rozenfeld, also known as Amanda Peremen and Amanada Peremen (collectively, “Defendants”). My business address is 600 Pennsylvania Avenue, NW, Mailstop CC-8528, Washington, DC 20580.
2. I am over twenty-one years old and am a citizen of the United States. I am a member in good standing of the New Jersey Bar (Bar No. 2882710) and the New York Bar (Bar No. 027091997).
3. As part of my work on this matter, my colleague Frances Kern and I had email conversations with Mr. Mikhail Usher and Mr. Alex Susi of Usher Law Group. Attached as **Attachment A** are true and correct copies of these emails.
4. I also received email correspondence from Receiver’s counsel of messages between the Receiver and his team and Usher Law Group. Attached as **Attachment B** are true and

correct copies of these emails.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 29, 2024  
Washington, D.C.

*Colleen Robbins*  
Colleen Robbins

**From:** [Kern, Frances](#)  
**To:** [musheresq@gmail.com](#); [alexanderesq35@gmail.com](#)  
**Cc:** [Robbins, Colleen B.](#)  
**Subject:** FTC v. FBAMachine--correspondence regarding TRO compliance deficiencies  
**Date:** Monday, July 8, 2024 9:23:06 AM  
**Attachments:** [24.7.8 Letter to Usher Law Group.pdf](#)

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Messrs. Usher and Susi,

Attached please find correspondence regarding your clients' non-compliance with the Court's temporary restraining order.

Sincerely,  
Fran

**Frances L. Kern** (she/her) | Attorney | Federal Trade Commission  
Bureau of Consumer Protection | Division of Marketing Practices  
BCP/DMP | CC-8543  
Org 1144 | Mail Stop CC-6316  
600 Pennsylvania Avenue, NW | Washington, DC 20580  
(202) 326-2391 | [fkern@ftc.gov](mailto:fkern@ftc.gov)



Bureau of Consumer Protection  
Division of Marketing Practices

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Frances L. Kern  
(202) 326-2391  
(202) 326-3395 (fax)  
fkern@ftc.gov

July 8, 2024

**VIA EMAIL**

Mikhail Usher, Esq.  
Alexander Susi, Esq.  
Usher Law Group  
musheresq@gmail.com  
alexanderesq35@gmail.com

Re: *Federal Trade Commission v. TheFBAMachine Inc. et al.*,  
No. 2:24-cv-6635 (JXN) (LDW) (D.N.J.)

Dear Messrs. Usher and Susi:

Please be advised that your clients Bratislav Rozenfeld and the businesses named in this matter are not in compliance with the Temporary Restraining Order ("TRO") entered by Judge Neals on June 3, 2024. This letter highlights certain specific examples of your clients' non-compliance, but it is not intended to represent an exhaustive list. It is incumbent on your clients to fully comply with the Court's order.

**Noncompliance with Order Provisions:**

1. *Section VI – Foreign Asset Repatriation* – Due June 10, 2024
  - a. We have not received a signed Attachment D.
  - b. We have not received a full accounting of any foreign assets.
  - c. If there are foreign assets, those should have been transferred back to the U.S. by June 10, 2024.
2. *Section IX – Preservation of Records* – Due June 5, 2024

We have evidence that shows computer files in your clients' Google drive and GoHigh-Level accounts have been modified or were deleted after June 5, 2024.
3. *Section XXII – Distribution of Order by Defendants* – Due June 15, 2024
  - a. Defendants were required to distribute the order to each affiliate, telemarketer, marketer, sales entity, successor, assign, member, officer, director, employee, agent, independent contractor, client, attorney, spouse, subsidiary, division, and representative of any Defendant by June 5, 2024.

- b. Defendants were required to provide Plaintiff and Receiver a sworn statement that this provision was satisfied and include a list of everyone to whom the order was furnished by June 15, 2024.

4. *Section XVI – Non-Interference with the Receiver*

Defendants are not allowed to transact any business of the receivership entities, yet we have evidence showing that Mr. Rozenfeld accepted meetings with prospective clients following the entry of the TRO.

**Section V – Financial Disclosure Deficiencies:**

1. Steven Rozenfeld
  - a. Item 6 – missing employment and employment income
  - b. Item 7 – missing lawsuits against Mr. Rozenfeld and Amanda Rozenfeld
  - c. Item 11 – missing businesses
  - d. Item 18 – missing underlying mortgage documents
  - e. Item 20 – missing tax information
  - f. Item 24 – missing documents
  - g. Item 26 – missing income and expenses
2. FBA Machine, Hourly Relief, 1HR, Sales Support NJ, FBA Support NJ, Daily Distro, 3PL
  - a. Items 17–19 – Mr. Rozenfeld claims the responsive information is in Quickbooks, but Quickbooks does not contain financial statements, financial summaries, or tax returns.
  - b. Item 20 – missing bank accounts.
  - c. Item 29 – missing information or response says “in Quickbooks,” but the information is not there.
  - d. Item 30 – missing compensation.
  - e. Item 32 – missing requirement attachments, and response says “in Quickbooks,” but the information is not there.
3. Passive Scaling and Wraith – missing financial disclosure forms
4. All defendants subject to the TRO – missing Attachment C, IRS Form 4506, which was due on June 10, 2024.

It is up to your clients to complete these forms truthfully, accurately, and fully, and to comply with every provision of the TRO. If your clients do not come into compliance with the TRO, we will notify the Court.

If you have any questions, please feel free to call me at (202) 492-7942.

Page 3

Sincerely,

A handwritten signature in blue ink, appearing to read "Frances L. Kern". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Frances L. Kern  
Attorney

cc: Colleen Robbins, Esq. (via email)

**From:** [Kern, Frances](#)  
**To:** [Mike Usher](#)  
**Cc:** [alexanderesq35@gmail.com](#); [Robbins, Colleen B.](#); [Daffan, Kathleen](#)  
**Subject:** RE: Ongoing TRO Violations—FTC v. TheFBAMachine Inc., Civil No. 24-6635 (JXN) (LDW) (D.N.J.)  
**Date:** Saturday, July 13, 2024 6:11:46 PM

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Dear Messrs. Usher and Susi,

Thank you for speaking with us yesterday. I write to memorialize our exchange regarding Mr. Rozenfeld's violation of the TRO on Wednesday, July 10, by sending an email to customers of the defendant entities offering his business coaching services for their online e-commerce stores. Mr. Usher stated that, when Mr. Usher discussed the email with Mr. Rozenfeld after receiving the FTC's message, Mr. Rozenfeld told Mr. Usher that (1) Mr. Rozenfeld did not mean to violate the TRO, (2) Mr. Rozenfeld would not send any further emails to customers of the defendant entities offering his services, whether or not he offered those services without cost, and (3) if Mr. Rozenfeld receives any reply emails from customers asking to take Mr. Rozenfeld up on his offer, Mr. Rozenfeld will not respond to them.

We also note that the deficiencies identified in our letter to you on Monday, July 8 remain.

Sincerely,  
Frances Kern

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**From:** Mike Usher <musheresq@gmail.com>  
**Sent:** Thursday, July 11, 2024 6:39 PM  
**To:** Kern, Frances <fkern@ftc.gov>  
**Cc:** alexanderesq35@gmail.com; Robbins, Colleen B. <CROBBINS@ftc.gov>; Anthony Sodono <ASodono@msbnj.com>; Sari B. Placona <SPlacona@msbnj.com>; Michele M. Dudas <MDudas@msbnj.com>  
**Subject:** Re: Ongoing TRO Violations—FTC v. TheFBAMachine Inc., Civil No. 24-6635 (JXN) (LDW) (D.N.J.)

That is fine 2pm works.

On Thu, Jul 11, 2024, 6:23 PM Kern, Frances <[fkern@ftc.gov](mailto:fkern@ftc.gov)> wrote:

Dear Mr. Usher,

Thank you for prompt response. While I appreciate that you and your client aim to provide the documents next week, the fact is that those documents were due over one month ago. We have received no financial disclosure forms for Passive Scaling and Wraith, and the disclosure forms submitted on behalf of the other corporate entities and Mr. Rozenfeld are woefully inadequate. It is incumbent on your client to provide complete, truthful information in the financial disclosure forms to Plaintiff's counsel and the Receiver, not send us on a wild goose chase for Quickbooks documents that do not appear to exist. These obligations are expressly ordered in the TRO.

Similarly, the TRO requires each defendant to provide “a full accounting, verified under oath” of their foreign assets, documents, and accounts. TRO VI.A. If Mr. Rozenfeld or the corporate defendants do not have any such assets, documents, or accounts held outside the United States, then they need to provide a sworn accounting so stating.

Attached is an email sent yesterday afternoon from [steverozenfba@gmail.com](mailto:steverozenfba@gmail.com) and signed by Steven Rozen. In it, Steven offers to schedule times to meet with customers to “transition [their] business” and “offer[] one-on-one coaching sessions.” As I explained in my earlier email, this conduct violates the TRO. Mr. Rozenfeld is not allowed to contact customers of the defendant entities and offer them business coaching services.

Regarding the email that you sent after the one below, I’m sorry I missed your call earlier this afternoon, and thank you for following up with an email. We are available to speak tomorrow. Would 2:00 p.m. Eastern work for you? If so, I can send you and Mr. Susi a scheduler with a Zoom link. If not, please let us know what time would.

We look forward to discussing these matters with you tomorrow.

Sincerely,  
Frances Kern

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**From:** Mike Usher <[musheresq@gmail.com](mailto:musheresq@gmail.com)>

**Sent:** Thursday, July 11, 2024 2:07 PM

**To:** Kern, Frances <[fkern@ftc.gov](mailto:fkern@ftc.gov)>

**Cc:** [alexanderesq35@gmail.com](mailto:alexanderesq35@gmail.com); Robbins, Colleen B. <[CROBBINS@ftc.gov](mailto:CROBBINS@ftc.gov)>; Anthony Sodono <[ASodono@msbnj.com](mailto:ASodono@msbnj.com)>; Sari B. Placona <[SPlacona@msbnj.com](mailto:SPlacona@msbnj.com)>; Michele M. Dudas <[MDudas@msbnj.com](mailto:MDudas@msbnj.com)>

**Subject:** Re: Ongoing TRO Violations—FTC v. TheFBAMachine Inc., Civil No. 24-6635 (JXN) (LDW) (D.N.J.)

On the issue of document production, we will work on having additional requested documentation next week. He has maintained that he does not have foreign assets and all of his bank accounts are frozen. As to the more pressing allegations here, I will speak to my client and again stress that no business activities are to be undertaken at this time.

We have explained to him that he cannot or offer services to any customers at this time. If you are basing this on an email or other written communication, please forward it to me and I will explain the issue with him specifically.

My client transferred all account information to the receiver and has not, to my knowledge taken any steps to interfere with their operations.

Best Regards,



Mikhail Usher, Esq.  
Usher Law Group  
1022 Ave P, 2nd Fl.  
Brooklyn, NY 11223  
Ph: (718)-484-7510  
Fx: (718) 865-8566  
[UsherLegal.com](http://UsherLegal.com)

On Thu, Jul 11, 2024 at 11:23 AM Kern, Frances <[fkern@ftc.gov](mailto:fkern@ftc.gov)> wrote:

Dear Messrs. Usher and Susi,

It has come to our attention that Steven Rozenfeld, your client, is violating the Court's June 3, 2024 temporary restraining order (Docket No. 5, extended pursuant to Docket No. 22) ("TRO") by (1) contacting consumers who purchased Defendants' products and services to offer his purported business coaching services and (2) coordinating with third parties to offer warehousing and virtual assistant services to such consumers.

**It is imperative that you IMMEDIATELY instruct your client to IMMEDIATELY stop such activity and refrain from further violations of the TRO.**

As you know, the TRO prohibits Mr. Rozenfeld from "us[ing] the name, . . . email address, . . . or other financial or identifying information of any person that any Defendant obtained in connection with any activity that pertains to the subject matter of [the TRO]." TRO II.B. Further, the TRO requires Defendants and their "officers, agents, employees, and attorneys" to "fully cooperate with and assist the Receiver," TRO XV, and prohibits them from "directly or indirectly . . . [t]ransacting any of the business of the Receivership Entities" and "[r]efusing to cooperate with the Receiver or the Receiver's duly authorized agents in the exercise of their duties or authority under any order of [the] Court," TRO XVI.B, D.

The TRO expressly authorizes the Receiver to, among other things, "[a]ssume full control of Receivership entities," TRO XII.A, and "[s]uspend business operations of the Receivership Entities if in the judgment of the Receiver such operations cannot be continued legally and profitably," TRO XII.T. On June 22, 2024, the Receiver informed you and your clients that he would not allow the businesses to operate during the pendency of the TRO. He wrote, "You are no longer authorized to participate in the business or contact employees unless I provide authority to do so."

By contacting Defendants' customers and coordinating with third parties to offer services to them, Mr. Rozenfeld and those acting at his direction are violating the Receiver's exclusive control of the Receivership Entities, as established by Section XII of the TRO, and therefore violating Sections XV and XVI of the TRO. Further, Mr. Rozenfeld's use of customer contact information to communicate with customers and solicit them for his services violates Section II of the TRO.

Plaintiff views these violations in the context of the additional TRO violations and deficiencies raised in our letter to you on Monday, July 8. Your clients are continuing to violate a lawful federal court order after being put on notice of multiple violations, and it is crucial that they come into compliance immediately.

Contact me as soon as possible today to describe what actions you and your clients are taking to bring all parties into full and immediate compliance with the order.

Sincerely,

Frances Kern

**Frances L. Kern** (she/her) | Attorney | Federal Trade Commission  
Bureau of Consumer Protection | Division of Marketing Practices  
BCP/DMP | CC-8543  
Org 1144 | Mail Stop CC-6316  
600 Pennsylvania Avenue, NW | Washington, DC 20580  
(202) 326-2391 | [fkern@ftc.gov](mailto:fkern@ftc.gov)

**From:** [Michele M. Dudas](#)  
**To:** [Robbins, Colleen B.](#)  
**Cc:** [Kern, Frances](#); [Anthony Sodono](#); [Sari B. Placona](#)  
**Subject:** Re: FTC v. TheFBAMachine, Inc. | Case No. 24-6635 (JXN)  
**Date:** Thursday, August 22, 2024 9:15:44 AM

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He has not responded further on the issue and has not turned it over, so that would be our position.

Michele M. Dudas, Esq.  
McManimon, Scotland & Baumann, LLC  
75 Livingston Avenue, Suite 201  
Roseland, NJ 07068  
(973) 721-5021 (Direct)  
(973) 622-1800 (Main)

On Aug 22, 2024, at 9:12 AM, Robbins, Colleen B. <CROBBINS@ftc.gov> wrote:

Just to confirm, though, he is still refusing to turn over the cell phone?

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**From:** Michele M. Dudas <MDudas@MSBNJ.COM>  
**Sent:** Wednesday, August 21, 2024 9:32 PM  
**To:** Robbins, Colleen B. <CROBBINS@ftc.gov>; Kern, Frances <fkern@ftc.gov>  
**Cc:** Anthony Sodono <ASodono@MSBNJ.COM>; Sari B. Placona <SPlacona@MSBNJ.COM>  
**Subject:** FTC v. TheFBAMachine, Inc. | Case No. 24-6635 (JXN)

Colleen,

Per your request from earlier today, I believe this includes all e-mails to/from Mr. Usher regarding the financials and cell phone. In several instances, we did not receive a response. Finally, the relevant QuickBooks records were sent via secure link on Friday evening. I did not receive any confirmation from our system that the files were downloaded, although Mr. Usher acknowledged receipt of same on Monday, and earlier today, the Defendants' accountant advised that Mr. Rozenfeld said he now had access to the QB files.

Please let us know if you require any further information.

Michele M. Dudas, Esq.  
McManimon, Scotland & Baumann, LLC  
75 Livingston Avenue, Suite 201  
Roseland, New Jersey 07068  
Main: (973) 622-1800

Direct: (973) 721-5021  
mdudas@mbsnj.com

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This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy, or disclose to anyone the message or any information contained in the message . If you have received the message in error, please advise the sender by reply e-mail or contact the sender at McManimon, Scotland & Baumann, LLC by phone at (973) 622-1800 and delete the message. Thank you very much.

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**From:** [Michele M. Dudas](#)  
**To:** [Mike Usher](#)  
**Cc:** [Anthony Sodono](#); [Sari B. Placona](#)  
**Subject:** RE: FTC v. FBA Machine et al. Request

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Mr. Usher,

We have not had any response from you in nearly two weeks. We requested a call with you and your client and the Receiver's accountants for Thursday, at 1:00 p.m. So we all know whether or not we need to hold the spot on our calendars, the professional courtesy of a response one way or the other is greatly appreciated.

Thank you in advance.

**Michele M. Dudas, Partner**  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
**Direct Dial:** 973-721-5021  
**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
[Website](#)

**Connect with MS&B on** [LinkedIn](#) | [Twitter](#) | [Instagram](#)

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**From:** Michele M. Dudas  
**Sent:** Monday, July 8, 2024 2:48 PM  
**To:** 'Mike Usher' <musheresq@gmail.com>; Sari B. Placona <SPlacona@MSBNJ.COM>  
**Cc:** Anthony Sodono <ASodono@MSBNJ.COM>  
**Subject:** RE: FTC v. FBA Machine et al. Request

Michael,

It is disappointing that we have not received any additional documentation from your client since our June 27, 2024 call.

That said, we would like to set up a call with you and your client for Thursday, July 11, 2024, at 1:00 p.m. with the accountants from Eisner Ampner to review documentation previously produced, and hopefully any additional overdue information received prior to the call.

Thank you in advance.

**Michele M. Dudas, Partner**  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
**Direct Dial:** 973-721-5021  
**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
[Website](#)

**Connect with MS&B on** [LinkedIn](#) | [Twitter](#) | [Instagram](#)

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**From:** Michele M. Dudas

**Sent:** Monday, July 1, 2024 2:55 PM  
**To:** 'Mike Usher' <[musheresq@gmail.com](mailto:musheresq@gmail.com)>; Sari B. Placona <[SPlacona@MSBNJ.COM](mailto:SPlacona@MSBNJ.COM)>  
**Cc:** Anthony Sodono <[ASodono@MSBNJ.COM](mailto:ASodono@MSBNJ.COM)>  
**Subject:** RE: FTC v. FBA Machine et al. Request

Hi Mike,

Since we do not have any additional financial information from the Defendants, we would like to reschedule our call for later this week. please let us know when the missing corporate Financial Statements, Consent to Repatriate and any other forms will be received and we can coordinate a new date and time for this short holiday week.

Thank you.

**Michele M. Dudas, Partner**  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
**Direct Dial:** 973-721-5021  
**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
**Website**

**Connect with MS&B on** [LinkedIn](#) | [Twitter](#) | [Instagram](#)

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**From:** Mike Usher <[musheresq@gmail.com](mailto:musheresq@gmail.com)>  
**Sent:** Friday, June 28, 2024 3:43 PM  
**To:** Sari B. Placona <[SPlacona@MSBNJ.COM](mailto:SPlacona@MSBNJ.COM)>  
**Cc:** Michele M. Dudas <[MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)>; Anthony Sodono <[ASodono@MSBNJ.COM](mailto:ASodono@MSBNJ.COM)>  
**Subject:** Re: FTC v. FBA Machine et al. Request

Shoot me the link.

Best Regards,

Mikhail Usher, Esq.  
Usher Law Group  
1022 Ave P, 2nd Fl.  
Brooklyn, NY 11223  
Ph: (718)-484-7510  
Fx: (718) 865-8566  
[UsherLegal.com](http://UsherLegal.com)

On Fri, Jun 28, 2024 at 2:11 PM Sari B. Placona <[SPlacona@msbnj.com](mailto:SPlacona@msbnj.com)> wrote:

4:00 Monday should be ok

Thanks  
Have a nice weekend

From Sari B. Placona, Esq.  
Sent from my iPhone

On Jun 28, 2024, at 2:07 PM, Mike Usher <[musheresq@gmail.com](mailto:musheresq@gmail.com)> wrote:

How's 4:00 PM

Best Regards,

Mikhail Usher, Esq.  
Usher Law Group  
1022 Ave P, 2nd Fl.  
Brooklyn, NY 11223  
Ph: (718)-484-7510  
Fx: (718) 865-8566  
[UsherLegal.com](http://UsherLegal.com)

On Fri, Jun 28, 2024 at 2:06 PM Sari B. Placona <[SPlacona@msbnj.com](mailto:SPlacona@msbnj.com)> wrote:

Michael

We are unable to do 2:30 today. What time are you and steven free on Monday?

Thank you

From Sari B. Placona, Esq.  
Sent from my iPhone

On Jun 27, 2024, at 10:38 AM, Mike Usher <[musheresq@gmail.com](mailto:musheresq@gmail.com)> wrote:

I will do my best to get you what you need by that time.

Best Regards,

Mikhail Usher, Esq.  
Usher Law Group  
1022 Ave P, 2nd Fl.  
Brooklyn, NY 11223  
Ph: (718)-484-7510  
Fx: (718) 865-8566

[UsherLegal.com](http://UsherLegal.com)

On Thu, Jun 27, 2024 at 8:58 AM Sari B. Placona

<[SPlacona@msbnj.com](mailto:SPlacona@msbnj.com)> wrote:

How is 5:00 pm today?

Sari B. Placona

Partner

**McManimon, Scotland & Baumann, LLC**

75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068

**Direct Dial: 973-721-5030**

**Email: [SPlacona@MSBNJ.COM](mailto:SPlacona@MSBNJ.COM)**

**[Website](http://UsherLegal.com)**

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**From:** Mike Usher <[musheresq@gmail.com](mailto:musheresq@gmail.com)>

**Sent:** Wednesday, June 26, 2024 6:41 PM

**To:** Michele M. Dudas <[MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)>

**Cc:** Anthony Sodono <[ASodono@MSBNJ.COM](mailto:ASodono@MSBNJ.COM)>; Sari B. Placona  
<[SPlacona@MSBNJ.COM](mailto:SPlacona@MSBNJ.COM)>

**Subject:** Re: FTC v. FBA Machine et al. Request

I do not believe that I will have a chance to speak with my client until tomorrow. So I would appreciate until the end of the day to provide any missing information. Additionally, we should have time to speak, I just need to speak to my client first and coordinate the same back with your office. Please send me your availability so I can coordinate appropriately.

Best Regards,

Mikhail Usher, Esq.

Usher Law Group

1022 Ave P, 2nd Fl.

Brooklyn, NY 11223

Ph: (718)-484-7510

Fx: (718) 865-8566

[UsherLegal.com](http://UsherLegal.com)

On Wed, Jun 26, 2024 at 6:38 PM Michele M. Dudas

<[MDudas@msbnj.com](mailto:MDudas@msbnj.com)> wrote:

Mr. Usher,



Please note that we also need an answer on the missing corporate Financial Statements, and also we are informed that he has not completed the Consent to Repatriate.

Also, Mr. Rozenfeld said that the GoHighLevel login was through Google. We are informed by GoHighLevel, that we need his actual login credentials to fully access the information. We request that he provide that information by tomorrow morning.

Finally, do you and your client have time for a call tomorrow?

**Michele M. Dudas, Partner**  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
**Direct Dial:** 973-721-5021  
**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
**Website**

**Connect with MS&B on** [LinkedIn](#) | [Twitter](#) | [Instagram](#)

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**From:** Mike Usher <[musheresq@gmail.com](mailto:musheresq@gmail.com)>  
**Sent:** Wednesday, June 26, 2024 6:28 PM  
**To:** Sari B. Placona <[SPlacona@MSBNJ.COM](mailto:SPlacona@MSBNJ.COM)>  
**Cc:** Anthony Sodono <[ASodono@MSBNJ.COM](mailto:ASodono@MSBNJ.COM)>; Michele M. Dudas <[MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)>; Kern, Frances <[fkern@ftc.gov](mailto:fkern@ftc.gov)>; Robbins, Colleen B. <[CROBBINS@ftc.gov](mailto:CROBBINS@ftc.gov)>  
**Subject:** Re: FTC v. FBA Machine et al. Request

I apologize for the late response, I'm a bit short staffed this week - my associate is out for the week and I have several of my other people out. I am scheduled to speak to my client tomorrow and will circle back with you after that.

Best Regards,

Mikhail Usher, Esq.  
Usher Law Group  
1022 Ave P, 2nd Fl.  
Brooklyn, NY 11223  
Ph: (718)-484-7510  
Fx: (718) 865-8566  
[UsherLegal.com](http://UsherLegal.com)

On Wed, Jun 26, 2024 at 6:17 PM Sari B. Placona

<[SPlacona@msbnj.com](mailto:SPlacona@msbnj.com)> wrote:

MR Usher

I am following up again.

I can only assume you are not going to produce this info without a subpoena. Please let me know otherwise I will get you a subpoena.

Thank you

From Sari B. Placona, Esq.  
Sent from my iPhone

On Jun 24, 2024, at 5:50 PM, Sari B. Placona  
<[SPlacona@msbnj.com](mailto:SPlacona@msbnj.com)> wrote:

Mr. Usher

In an effort to avoid having to serve you or your clients with a subpoena, the Temporary Receiver is requesting the following for all Receivership Defendants:

1. Breakout of projected revenues and operating expenses by type.
2. Copies of supporting assumptions, components, calculations and supporting documentation and analyses that support projected revenues and operating expenses.
3. Copies of prior years (2020 through

2023) and current fiscal year 2024 financial statements including balance sheets and statements of profits and losses.

4. Copies of Federal and State tax returns for 2020 through 2023 or latest years filed.

5. Copies of general ledgers for the January 1, 2020, through May 2024.

Please get back to me by tomorrow at 5pm if you intend to produce those documents, otherwise, I will send you a subpoena.

Thanks for your anticipated cooperation.

**Sari B. Placona**  
Partner  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor |  
Roseland, NJ 07068  
**Direct Dial:** 973-721-5030  
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**From:** [Michele M. Dudas](#)  
**To:** [musheresq@gmail.com](mailto:musheresq@gmail.com); [mikeusher@usherlegal.com](mailto:mikeusher@usherlegal.com); [alexanderesq35@gmail.com](mailto:alexanderesq35@gmail.com)  
**Cc:** [Anthony Sodono](#)  
**Subject:** FTC v. TheFBAMachine, et al. | Case No. 24-6635 (JXN)  
**Importance:** High

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Mr. Usher,

As you know, this firm represents Anthony Sodono, III, the Temporary Receiver appointed in the above-referenced matter. Since the Temporary Receiver's initial conversations with Defendant Steven Rozenfeld on June 5, 2024, and again at their in person meeting in Miami on June 6, 2024, and continuing on several occasions thereafter, Mr. Rozenfeld made repeated representations that he never used his cell phone, (917) 392-9040, for business purposes and, based upon these repeated representations, it was not imaged. During the Temporary Receiver's investigation as to all Defendants' business practices, we have come to learn that this is a false representation by Mr. Rozenfeld. Demand is hereby made that the cell phone be immediately overnighted to my attention for imaging such that it is received in our office by tomorrow, July 19, 2024. Upon completion of the imaging, it will be returned to Mr. Rozenfeld.

Please be guided accordingly. We urge your client to comply with this demand.

Michele M. Dudas, Partner  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
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**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
[Website](#)

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**From:** [Michele M. Dudas](#)  
**To:** [Mike Usher](#)  
**Cc:** [mikeusher@usherlegal.com](mailto:mikeusher@usherlegal.com); [alexanderesq35@gmail.com](mailto:alexanderesq35@gmail.com); [Anthony Sodono](#); [Sari B. Placona](#)  
**Subject:** RE: FTC | Receivership Entities

---

Mr. Usher, please let us know once you have an answer on accepting service for these additional entities as soon as you hear from Mr. Rozenfeld.

The outstanding documents are attached to the TRO (Attachments B, C and D) and spelled out in the Report, including what is needed by Eisner (and e-mailed you the list of information back on June 24). It is our understanding that with respect to the forms (Attachments A and B) that were submitted, the various deficiencies have already been identified by the FTC.

We will find out about access to Quick Books.

As to the cell phone, all electronic devices (including mobile devices) used for business purposes were required to be turned TRO, Section XIII(E). Had your client not misrepresented the business use from the outset on June 5, 2024 (and for which we gave him ample opportunity to correct his statements), it would have been imaged on June 6, 2024 before substantial communications were made with counsel. Your client had every opportunity to seek to modify the restraints and took no such action. Regardless, we are informed that the FTC's Digital Imaging Unit has safeguards in place for these types of situations and any privileged documents are sequestered based upon a search of specific names and terms. We urge your client to turn over the cell phone at tomorrow's hearing otherwise the Temporary Receiver will pursue his request to find Mr. Rozenfeld in contempt of the TRO.

We look forward to hearing from you. Thank you.

**Michele M. Dudas, Partner**  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
**Direct Dial:** 973-721-5021  
**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
**Website**

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**From:** Mike Usher <musheresq@gmail.com>  
**Sent:** Monday, July 29, 2024 2:46 PM  
**To:** Michele M. Dudas <MDudas@MSBNJ.COM>  
**Cc:** [mikeusher@usherlegal.com](mailto:mikeusher@usherlegal.com); [alexanderesq35@gmail.com](mailto:alexanderesq35@gmail.com); Anthony Sodono <ASodono@MSBNJ.COM>; Sari B. Placona <SPlacona@MSBNJ.COM>  
**Subject:** Re: FTC | Receivership Entities

We have reviewed your report, but I need to speak to Steven about these additional entities first.

Secondly, we are in the process of stipulating with the FTC on the PI and are aware that additional financial documentation is needed on your end. If you could provide me with any specific forms that

are needed, I will forward them to Steven.

Third, Steven asked me if he could get access to QuickBooks, which he says his accountant needs to finish the taxes.

Finally, I would like to understand why the receivership needs my client's cell phone. You already have access to all business accounts and emails. I am concerned about the leak of privileged communications, especially since you have access to everything.

Best Regards,

Mikhail Usher, Esq.  
Usher Law Group  
1022 Ave P, 2nd Fl.  
Brooklyn, NY 11223  
Ph: (718)-484-7510  
Fx: (718) 865-8566  
[UsherLegal.com](http://UsherLegal.com)

On Mon, Jul 29, 2024 at 2:27 PM Michele M. Dudas <[MDudas@msbnj.com](mailto:MDudas@msbnj.com)> wrote:

Counsel,

As you likely have seen, the Temporary Receiver's Report docketed yesterday, Section G, contained a Notice provision regarding additional receivership entities owned or controlled by Rozenfeld.

Can you please advise if you will be representing those entities in this proceeding?

Thank you in advance for a prompt response.

Michele M. Dudas, Partner  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
**Direct Dial:** 973-721-5021  
**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
[Website](#)

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anyone the message or any information contained in the message . If you have received the message in error, please advise the sender by reply e-mail or contact the sender at McManimon, Scotland & Baumann, LLC by phone at (973) 622-1800 and delete the message. Thank you very much.

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**From:** [Michele M. Dudas](#)  
**To:** [mikeusher@usherlegal.com](mailto:mikeusher@usherlegal.com); [musheresq@gmail.com](mailto:musheresq@gmail.com); [alexanderesq35@gmail.com](mailto:alexanderesq35@gmail.com)  
**Cc:** [Anthony Sodono](#); [Sari B. Placona](#)  
**Subject:** FTC v. TheFBAMachine, Inc., et al. | Case No. 24-6635 (JXN)  
**Attachments:** [Daily Distro CapitalOne Statement for 6-26-2024 to 7-26-2024.pdf](#)  
**Importance:** High

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Mr. Usher,

First, we write to follow up on the turnover of your client's cell phone for imaging. The stated reasoning in your July 31, 2024 e-mail, including, but not limited to, that your client does not use his cell phone for texting or other work purposes and that we should have any applications (like WhatsApp) used for work imaged through his laptop, violate the letter and spirit of the TRO, and is simply not credible. Please have your client overnight his phone to the Temporary Receiver's attention so it can be imaged, or we will address the issue with the Court.

Second, the Temporary Receiver recently received the attached credit card statement from Capital One for the period of June 26, 2024 through July 26, 2024, which is issued in the name of Mr. Rozenfeld and Daily Distro. The use of the credit card is a further violation of the TRO. More troubling, it appears to reveal personal charges totaling in excess of \$2,000 for the one month period, which includes a brewery in the Bahamas (which would lead one to believe that your client and/or his family member(s) were in the Bahamas), what appears to be an animal grooming charge, a flight school in Florida, a restaurant in Pennsylvania (that looks like it is in/around the Kalahari Resort), and a gas station in New Jersey.

We urge Mr. Rozenfeld to stop violating the TRO, particularly now that he has stipulated to the preliminary injunction. In that regard, we also never received any additional financial information, and we expect for it to be forthcoming with the outstanding information in the timeframes set forth therein.

The Temporary Receiver reserves all rights and remedies.

Michele M. Dudas, Partner  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
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**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
**Website** [Website](#)

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**From:** [Michele M. Dudas](#)  
**To:** [Mike Usher](#)  
**Cc:** [mikeusher@usherlegal.com](mailto:mikeusher@usherlegal.com); [alexanderesq35@gmail.com](mailto:alexanderesq35@gmail.com); [Anthony Sodono](#); [Sari B. Placona](#)  
**Subject:** RE: FTC v. TheFBAMachine, Inc., et al. | Case No. 24-6635 (JXN)

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Mike,

The response time to critical issues is troubling, particularly when there are clear deadlines under the TRO and the Stipulation, which have all come and gone. We will send you the Quick Book records as imaged by the FTC and turned over to the Temporary Receiver by separate secured links. So as to avoid the filing of a motion for contempt, please ensure your client completes the documents before close of business on Wednesday, August 21, 2024.

We clearly disagree on the phone and have no choice but to have Judge Neals make the call. We will refrain from holding the Motion for contempt until later next week once we determine whether the lack of financial information is an issue.

We hope to hear from you promptly.

**Michele M. Dudas, Partner**  
**McManimon, Scotland & Baumann, LLC**  
75 Livingston Avenue | 2nd Floor | Roseland, NJ 07068  
**Direct Dial:** 973-721-5021  
**Email:** [MDudas@MSBNJ.COM](mailto:MDudas@MSBNJ.COM)  
**Website**

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---

**From:** Mike Usher <musheresq@gmail.com>  
**Sent:** Friday, August 16, 2024 9:38 AM  
**To:** Michele M. Dudas <MDudas@MSBNJ.COM>  
**Cc:** [mikeusher@usherlegal.com](mailto:mikeusher@usherlegal.com); [alexanderesq35@gmail.com](mailto:alexanderesq35@gmail.com); [Anthony Sodono](#) <ASodono@MSBNJ.COM>; [Sari B. Placona](#) <SPlacona@MSBNJ.COM>  
**Subject:** Re: FTC v. TheFBAMachine, Inc., et al. | Case No. 24-6635 (JXN)

My associate spoke with Mr. Rozenfeld. He believed that it was his personal card and account. He will not be using it in the future and intends to pay of the debt, seeing as the card is under his name.

My client still contends that he was not using his phone for work purposes and that all communications were through chat services like Google which you have been granted access to.

My client is going through the financial documents that were requested. He maintains that he cannot file taxes without the information on QuickBooks. I again ask that the receivership find a way to let him access QuickBooks or provide him with the information on it.

My client has expressed that he would like to try and reach a settlement with the FTC, and we explained that he needs to provide the relevant financial information first. As such, I would appreciate it if you could help me with QuickBooks.

Best Regards,

Mikhail Usher, Esq.  
Usher Law Group  
1022 Ave P, 2nd Fl.  
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Ph: (718)-484-7510  
Fx: (718) 865-8566  
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On Thu, Aug 8, 2024 at 10:59 AM Michele M. Dudas <[MDudas@msbnj.com](mailto:MDudas@msbnj.com)> wrote:

Mr. Usher,

First, we write to follow up on the turnover of your client's cell phone for imaging. The stated reasoning in your July 31, 2024 e-mail, including, but not limited to, that your client does not use his cell phone for texting or other work purposes and that we should have any applications (like WhatsApp) used for work imaged through his laptop, violate the letter and spirit of the TRO, and is simply not credible. Please have your client overnight his phone to the Temporary Receiver's attention so it can be imaged, or we will address the issue with the Court.

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We urge Mr. Rozenfeld to stop violating the TRO, particularly now that he has stipulated to the preliminary injunction. In that regard, we also never received any additional financial information, and we expect for it to be forthcoming with the outstanding information in the timeframes set forth therein.

The Temporary Receiver reserves all rights and remedies.

Michele M. Dudas, Partner  
**McManimon, Scotland & Baumann, LLC**  
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